

☞ **05hr_SSC-DNRRRR_Misc_pt04b**



☞ **These materials were grouped together.
For January 5, 2006 Cadott hearing?**

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate Select

(Assembly, Senate or Joint)

Committee on ... DNR (SSC-DNRRR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Contributions of Nitrogen and Phosphorus to Surface and Groundwater from a Kentucky Bluegrass Lawn

Wayne R. Kussow
Department of Soil Science

INTRODUCTION

A common public perception is that fertilizer applied to home lawns is a major contributor of nitrogen and phosphorus to surface water and of nitrate-nitrogen to groundwater. Algal blooms on urban lakes and high nitrate concentrations in groundwater are often blamed on lawn fertilization.

Research done elsewhere in the U.S. has indicated that lawns are not major contributors of nitrogen and phosphorus to the environment. In 1991, I decided to test whether or not this was true in the Madison area.

METHODS

Research plots were set up to simulate urban conditions. The topsoil was stripped off, the subsoil compacted, and then the topsoil replaced. The area was seeded to a four-way blend of Kentucky bluegrasses. Devices to collect runoff water and leachate were then installed.

The plots have been fertilized each year with 4.0 lb nitrogen/1,000 ft² split into four equal applications of 1.0 lb nitrogen. The application dates were approximately May 15, July 1, September 15, and October 20. The plots were mowed at 2 ½ inches every 4 to 7 days. Irrigation water was applied when the grass became bluish-green in color, indicating moisture stress.

RESULTS

1993 and 1994

During this period, the objective was to see how the subsoil compaction resulting from building construction and the layering of topsoil over compacted or uncompacted subsoil affects the amounts of runoff water and losses of nitrogen and phosphorus. What I found was:

1. The amount of runoff water averaged 1.35 inches per year and 73% of this was collected when the soil was frozen.
2. Nitrogen in the runoff water averaged 0.24 pound per acre. Runoff during the winter and from snow melt contributed 59% of this nitrogen.

3. Phosphorus in the runoff water averaged 0.32 pound per acre and 66.8% of this was collected when the soil was frozen.
4. The amount of leachate averaged 18.03 inches per year. This leachate contained an average of 2.2 pounds nitrogen per acre per year and had an average nitrate-nitrogen concentration of 2.74 parts per million (ppm).
5. Soil disturbance in the form of subsoil compaction and topsoil layering did not significantly alter the amounts of runoff water, the amounts of nitrogen and phosphorus in the runoff water, or the amount of nitrogen leached.

1995 and 1996

The treatments during this 2-year period were selected to show how the amounts of runoff water and nutrient losses were affected by:

1. Lawn fertilization — none vs. 4 lb nitrogen per year.
2. Type of fertilizer — natural organic vs. synthetic.
3. Clipping management — mulch mowing vs. clipping removal.

Data collected from this 2-year period showed that:

1. The amount of runoff water was 1.32 inches per year and 72% came from frozen soil — almost the same as in 1993 and 1994.
2. Nitrogen loss in the runoff water averaged 0.29 pound per acre per year. Runoff water from frozen soil contained 72% of the total nitrogen.
3. Phosphorus loss in the runoff water averaged 0.30 pound per acre per year and 80.6% of this came from frozen soil.
4. The amount of leachate totaled 11.80 inches per year and contained, on average, 2.6 pounds nitrogen per acre. Nitrate-nitrogen concentration averaged 1.60 ppm.
5. Not fertilizing the lawn for 2 years caused the turf to thin out to the point where the amount of runoff water was 30% more than where fertilizer was applied.
6. Nitrogen and phosphorus in the runoff water from the unfertilized turf exceeded that from the fertilized turf by 24% for nitrogen and 41% for phosphorus.
7. The amounts of nitrogen and phosphorus in runoff water and nitrogen in leachate were the same whether the fertilizer applied was natural organic or synthetic.

8. As compared to where clippings were removed, mulch mowing slightly decreased the amount of runoff water but increased by 2.1 pounds per acre the amount of nitrate-nitrogen in the leachate.

1997 and 1998

This 2-year period was devoted to testing the effect of form of nitrogen in lawn fertilizer on nitrogen in runoff water and leachate. The form of nitrogen ranged from urea, which is 100% water-soluble to several forms of slow-release nitrogen to 100% natural organic nitrogen. Observations during this 2-year period were:

1. The amount of runoff water per year was 1.24 inches, or 0.08 to 0.11 inch less than in the four previous years, but the portion from frozen soil was 95.2%, or more than 20% greater than in 1993 through 1996.
2. With 20% more of the runoff water coming from frozen soil, the amount of nitrogen it contained increased 125% to 0.6 pound per acre per year, of which 94.3% was from frozen soil.
3. The amount of phosphorus in the runoff water also increased — from an average of 0.31 to 0.45 pound per acre per year and 96% of this came from frozen soil.
4. Leachate for this period averaged 14.99 inches. The leachate contained 1.85 pounds nitrogen per acre per year and the nitrate-nitrogen concentration averaged 1.60 ppm.
5. The amounts of nitrogen and phosphorus detected in the runoff water and leachate were not influenced by the form of nitrogen applied.
6. The amount of phosphorus in the runoff water did not vary among the fertilizer treatments even though the amount of phosphorus applied ranged from 0 to 25 pounds per acre per year.

SUMMARY

Six years of data were collected from a Kentucky bluegrass lawn established on silt loam soil disturbed in the same manner as in an urban area. The site had a 5.5% slope. The amount of runoff water collected averaged 1.30 inches per year. This amounts to 4.2 % of the long-term annual average precipitation in the area of 30.9 inches. On average, 80.1% of the annual runoff occurred when the soil was frozen.

Leachate collected averaged 14.94 inches per year and accounted for 48.3% of average annual precipitation. For the 6-year period, 11.5 times more water was collected as leachate than as runoff water.

Annual losses of nitrogen and phosphorus in the runoff water averaged 0.33 and 0.36 pound per acre, respectively. Seventy-five percent of this nitrogen and 81% of this phosphorus was in runoff collected when the soil was frozen.

Leachate nitrogen averaged 2.25 pounds per acre per year, which is nearly six times the amount of nitrogen lost in the runoff water. All but a trace of nitrogen in the leachate was in the form of nitrate. Leachate nitrate-nitrogen concentrations annually averaged 1.92 ppm for the 6-year period.

DISCUSSION

To fully comprehend and appreciate the results of this 6-year study, they have to be placed in some kind of context. Watersheds that supply the phosphorus associated with lake eutrophication and contamination of groundwater with nitrate typically encompass rural as well as urban areas. Therefore, there is logic in comparing the nitrogen and phosphorus losses observed in this study to losses from agricultural land.

Several long-term research projects that have been conducted in the Midwest provide a comprehensive perspective of what can be expected in terms of runoff water, erosion, and nutrient losses from agricultural land. These studies have shown that:

1. The amounts of runoff water from farm fields during the growing season typically range from about 5 inches for a row crop to 2 inches for hay or pasture. I measured an average of 1.3 inches of runoff water per year, with only about 0.25 inch being lost when the soil was not frozen.
2. Annual sediment loss, if controlled with conservation practices, ranges from 5 to 7 tons per acre for row crops to as little as 0.1 ton for pasture. In the present study, sediment losses were too low to measure accurately, but other researchers have recorded losses that average about 0.005 ton per acre.
10 lbs.
3. Nitrogen losses in runoff water from cropland may range anywhere from 4 to 20 pounds per acre per season, while phosphorus losses average about 10 pounds per acre. Comparable numbers from my study were 0.38 pound of nitrogen and 0.36 pound of phosphorus for the entire year. Losses from non-frozen soil were in the range of 0.1 pound nitrogen and 0.07 pound phosphorus per acre.
4. The amount of nitrogen leached from agronomic crops has been reported to be in the range of 21 to 67 pounds per acre per season. This is in sharp contract with the 6-year average of 2.25 pounds nitrogen per acre per year that I measured.
5. Nitrate-nitrogen concentrations averaged over the season from agronomic crops have been reported to be in the range of 12 to 20 ppm. My average concentration was 1.9 ppm of nitrate-nitrogen. Other researchers have found even lower values for turf.

From these numbers it appears that rationally managed turfgrass, when compared to agronomic crops, yields only about 5% as much runoff water during the growing season, contributes less than 1% as much sediment, nitrogen and phosphorus in the runoff water, allows only 10% as much nitrogen to leach, and maintains leachate nitrate-nitrogen concentrations that are but 15% or so those for agronomic crops.

I observed that 75 to 80% of the nitrogen and phosphorus in runoff water exited the Kentucky bluegrass when the soil was frozen. The question raised by this observation is the source of this nitrogen and phosphorus. There are multiple studies that clearly indicate that this nitrogen and phosphorus are being leached out of the frozen, desiccated turfgrass. The same holds true for all other types of vegetation in the landscape and explains why phosphorus concentrations in storm sewer water show a minor peak at the time of leaf fall and a major peak in snow melt. It also explains why the ratio of nitrogen to phosphorus I measured in the runoff water was nearly 1:1 and not even close to the 14:1 ratio of nitrogen to phosphorus in the fertilizer applied over the 6 years of the study.

CONCLUSIONS

The public perception that lawns and lawn fertilizers are major contributors of nitrogen and phosphorus to lakes, streams, and groundwater is false. Their contributions are overshadowed by those from agricultural lands.

The notion that banning of phosphate application on home lawns will significantly reduce lake eutrophication is likewise false. With 6 years of data in hand, I examined the relationship between runoff losses of phosphorus and the rates of fertilizer phosphate applied. For all practical purposes, there was no relationship. As long as we maintain green landscapes, there will be a relatively small but fairly consistent release of phosphorus into urban surface water from that vegetation regardless of whether fertilizer is applied or not. Failure to maintain quality turf through fertilization carries the risk of increasing amounts of runoff in urban environments.

These conclusions should by no means serve as a green light to indiscriminately and irresponsibly apply fertilizer on home lawns. It is irresponsible to apply more nitrogen than required to maintain an attractive lawn and to apply phosphate and potash when they are not needed. It is even more irresponsible not to clean up fertilizer mis-applied to impervious surfaces.

Table 1. Runoff loss of water, sediment, nitrogen, and phosphorus from agronomic crops and turf.

| References | Situation | Water runoff | Sediment loss | Nutrient loss | |
|-----------------------|---|---------------------------|------------------------------|---------------------------|------------------------------|
| | | | | Nitrogen | Phosphorus |
| | | inches/yr | T/M/yr | ----- lb/A/yr ----- | |
| Burwell et al. (1975) | Continuous corn or corn-oat-hay rotations 10-year study | 1.87 to 5.2 Avg. 3.14 | < 0.1 to 7.4 Avg. 4.2 | 4 to 20 Avg. 32 | < 1 to 17 Avg. 10 |
| Kussow (1995) | Simulated urban lawn; compacted subsoil, etc. 2 years | 1.02 to 1.91 Avg. 1.35 | 0 | 0.20 to 0.28 Avg. 0.24 | 0.21 to 0.59 Avg. 0.32 |
| Gross et al. (1990) | Kentucky bluegrass-T. fescue lawn 2 years | 0.05 to 0.36 Avg. 0.20 | 0.001 to 0.007 Avg. 0.005 | 0.15 to 0.16 Avg. 0.16 | 0.005 to 0.026 Avg. 0.016 |

Table 2. Leaching of nitrogen from agronomic crops and turf.

| Reference | Situation | Nitrogen leached | |
|--------------------------|--|------------------|-----------------------|
| | | Total amount | Nitrate concentration |
| | | lb/A/yr | mg L ⁻¹ |
| Logan et al. (1980) | Numerous crops and years Midwest USA | 21.0 | 20.5 |
| Randall et al. (1995) | Continuous corn 11 years Minnesota | 37.6 | 12.7 |
| Kussow (1995) | Simulated urban lawn 2 years | 2.2 | 2.8 |
| Gross et al. (1990) | Lawn 2 years Maryland | 0.17 | 0.94 |
| Mitner et al. (1996) | Lawn 2 years Michigan | 1.4 | 0.47 |

Table 3. Subsoil compaction and topsoil layering effects on runoff loss of water, nitrogen and phosphorus from a simulated urban lawn in southern Wisconsin (Kussow, 1995).

| Soil treatment | Runoff water | | Nitrogen loss | | Phosphorus loss | |
|----------------|---------------------|--------|---------------------|--------|-----------------|--------|
| | Summer | Winter | Summer | Winter | Summer | Winter |
| | ---- inches/yr ---- | | ----- lb/A/yr ----- | | | |
| Subsoil | | | | | | |
| Not compacted | 0.60 | 0.96 | 0.20 | 0.57 | 0.09 | 0.85 |
| Compacted | 0.44 | 0.84 | 0.21 | 0.25 | 0.08 | 0.42 |
| Topsoil | | | | | | |
| Not layered | 0.48 | 0.83 | 0.26 | 0.32 | 0.07 | 0.68 |
| Layered | 0.51 | 0.92 | 0.14 | 0.25 | 0.09 | 0.45 |

Table 4. Fertilization and clipping management effects on runoff and nitrogen and phosphorus losses from a southern Wisconsin lawn (Kussow, 1997).

| Fertilization | Clipping management | Runoff losses | | | Nitrogen leached |
|--|---------------------|---------------|----------|------------|------------------|
| | | Water | Nitrogen | Phosphorus | |
| | | inches/yr | lb/A/yr | lb/A/yr | lb/A/yr |
| None for 2 years | Mulched Removed | 1.55 | 0.17 | 0.41 | 3.2 |
| | | 1.60 | 0.17 | 0.46 | 1.8 |
| 174 lb N/A/yr As Milorganite 6-2-0 | Mulched Removed | 1.04 | 0.11 | 0.25 | 4.9 |
| | | 1.15 | 0.14 | 0.20 | 1.5 |
| 174 lb N/A/yr As Scotts Turf Builder 29-3-8 | Mulched Removed | 1.07 | 0.13 | 0.25 | 3.0 |
| | | 1.53 | 0.14 | 0.32 | 1.5 |

Table 5. Nitrogen carrier and fertilizer P rate effects on nitrogen and phosphorus losses from a Kentucky bluegrass lawn, 1997 and 1998 growing seasons.

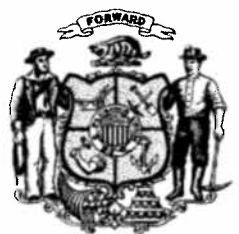
| N carrier | P rate lb/A | Runoff | | Leachate N | |
|----------------|-------------------|---------------------|-------|------------|--------------------|
| | | N | P | Total | NO ₃ -N |
| | | ----- lb/A/yr ----- | ----- | lb/A/yr | ppm |
| Milorganite | 1.2 | 0.042 | 0.006 | 2.21 | 1.96 |
| Urea | 0 | 0.027 | 0.011 | 1.67 | 3.31 |
| Methylene urea | 0 | 0.016 | 0.012 | 1.64 | 2.13 |
| Poly-S | 0.2 | 0.041 | 0.019 | 1.52 | 3.37 |
| PCU | 0.8 | 0.027 | 0.017 | 0.81 | 1.49 |
| IBDU | 0 | 0.017 | 0.009 | 0.84 | 1.63 |

Table 6. Nitrogen and phosphorus losses from a Kentucky bluegrass lawn, 6-year summary.

| | Period | | | 6-yr means |
|---------------------|---------|---------|---------|------------|
| | 1993-94 | 1995-96 | 1997-98 | |
| Runoff | | | | |
| Total, inches/yr | 1.35 | 1.32 | 1.24 | 1.30 |
| % from frozen soil | 73.0 | 72.0 | 95.2 | 80.1 |
| Runoff N | | | | |
| Total, lb/A/yr | 0.24 | 0.29 | 0.60 | 0.38 |
| % from frozen soil | 59.0 | 72.0 | 94.3 | 75.1 |
| Runoff P | | | | |
| Total, lb/A/yr | 0.32 | 0.30 | 0.45 | 0.36 |
| % from frozen soil | 66.8 | 80.6 | 96.0 | 81.1 |
| Leachate | | | | |
| Total, inches/yr | 18.03 | 11.80 | 14.99 | 14.94 |
| N content, lb/A/yr | 2.20 | 2.60 | 1.85 | 2.22 |
| Nitrate-N mean, ppm | 2.74 | 1.60 | 1.60 | 1.98 |



WISCONSIN STATE LEGISLATURE



Larry Williams
715-835-7835

Timetable:

ldwmail@ameritech.net

1. Applied for and received first building permit under the "50% rule" in October 1999.
2. Applied for and received a second building permit under the "25% rule" in the fall of 2000.
3. Work began in the fall of 2000.
4. Work was stopped at the request of the Zoning Administrator in April of 2001.
5. In June of 2001 had hearings with the Rusk County Board of Adjustments addressing an administrative appeal and request for a variance. Both requests were denied.
6. In September of 2001, after a complaint was filed by Rusk County, the matter came before Judge Henderson in the Rusk County Circuit Court. The result called for a forfeiture of \$500 and denial of injunctive relief.
7. Work resumed on the cottage in October of 2001.
8. Work had to be stopped again in November of 2001 when Rusk County appealed Judge Henderson's decision.
9. The Appellate Court reviewed the case in February of 2002. The Court recommended that an attempt be made to settle the case.
10. A mediator was hired to help mediate a mutually acceptable forfeiture.
11. The summer of 2002 was spent finding a replacement for the original builder who decided to end his involvement in the ordeal.
12. Work was completed in the fall of 2002, over two years after it was begun.

Costs:

1. The emotional toll on our entire family is impossible to calculate. Our children were 9 and 13 at the time this all began and were denied valuable time at a place they loved. The ordeal also put an undue burden on our marital relationship.
2. Permits and fees exceeded \$700.
3. Cost for administrative appeal and request for a variance over \$500.
4. Our legal fees exceeded \$25,000 to go through all the hearings, preparation of briefs and ultimate mediation process.
5. The agreed upon forfeiture totaled \$6000 plus costs.
6. Other costs are difficult to calculate but nonetheless significant. They would include the extra building costs resulting from the structure being exposed to the elements while we fighting for its continued existence, time and expense being away from work to deal with these matters and the list goes on.

Citizen friendly encounter

Timetable:

terms of time

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offer labels
 Times in
 been in 1991
 business

Aug 16, 2005

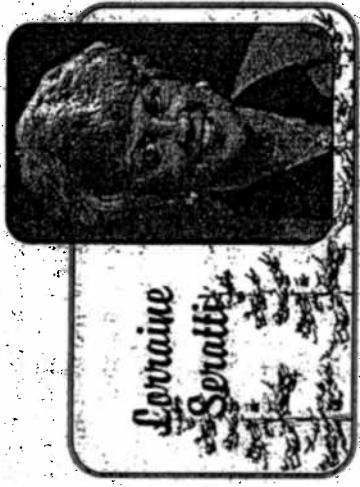
NR115 rules are a power grab by the Department of Natural Resources

Those lazy days of summer will soon be coming to an end. However, while most of us were enjoying the beautiful summer, the DNR has been crafting a new rule that will impact every shoreline property owner in the state.

After almost three years of work, the current Shoreland Protection Program in Wisconsin, more commonly known as NR115 of the Wisconsin Administrative Code, has been rewritten.

Strong environmental standards are critical to maintaining the high quality of life we currently enjoy in the Northwoods. However, it is equally necessary that those regulations be balanced against the needs and interests of waterfront property owners. The rule, as written, tips the scale against shoreland property owners.

Many of the provisions of the rule are incredibly restrictive. For example, if you are a patriotic American and want to proudly display the red, white and blue, and your flagpole is within the 75-foot setback, it will no longer be allowed.



Likewise, if you have a fire pit or any other structure that cannot be easily moved by hand, it will also be prohibited. That could potentially include your propane gas tank. The term "structure" is not clearly defined in the rule.

You are also impacted the moment you step out your door under the provisions of this proposed rule. If your steps and landings are wider than the width of the door, your property could become classified as "non-conforming." Not only does this provision create the likelihood that your property could be

devalued, it creates a serious public safety hazard for ingress and egress from your home.

Next, let's step off the landing. If you have a sidewalk or walkway that is constructed of materials that allow water to freely run off the surface, you are out of compliance. Also, under the rule, you will only be allowed one stairway per 100 feet of frontage.

Provisions in this rule package also have serious consequences for property owners seeking to expand their dwellings. If your home is located 35 feet from the Ordinary High Water Mark, you will not be able to expand the size of your dwelling. If your property is in a state of disrepair and is torn down, you can only rebuild if the lot size is at least 7,000 square feet in area. Many structures originally built on smaller lots will simply disappear.

If you own a nonconforming structure, you no longer will be able to freely expand its size behind the 75-foot setback line. A new home on a vacant lot is allowed to be constructed behind the 75-foot line, but existing property owners who constructed their homes in accordance with the regulations at the time will be penalized under the proposed rules.

Property taxpayers will feel the brunt of these proposed rules as county zoning departments begin to clamor for more money to pay for additional staffing to enforce the rule. Counties will be

required to adopt a new zoning permit system (in addition to the existing building permit system) requiring property owners to obtain a permit indicating what the zoning is and what can be constructed on that property. Zoning officials will also need to monitor new regulations on any land disturbances in excess of 2,000 square feet, and are required under the rule to adopt new "purpose statements" for various sections of the code and may grant variances only if they are consistent with the new "purpose statement."

The proposed rule ignores two recent Supreme Court rulings that have restored the ability of counties to grant variances whenever they feel the restrictions are "unnecessarily burdensome" as applied to a particular property owner. This is clearly a power grab by the DNR to usurp the power of locally-elected officials.

The effects of this proposed rule are far reaching. Shoreland property owners seeking more information about these rules may obtain the full text at www.dnr.state.wi.us.

Public comments may be mailed to Toni Herkert, Bureau of Watershed Management, P.O. Box 7921, Madison, WI 53707, or send an e-mail to toni.herkert@dnr.state.wi.us. Written comments will be accepted until Aug. 26.

Lorraine Seratti is the government affairs director for the Northwoods Association of Realtors, Inc.



PINOCCHIO THEN-

John K...



Chronology of Government Involvement– Sunset Landings

- 03/11/04- L. Thompson and J. Rusch at Town of St. Joseph Planning Commission – concept plan discussion
- 03/18/04- L. Thompson and J. Rusch at Town of St. Joseph Board Meeting – concept plan discussion
- 03/23/04- L. Thompson and J. Rusch meet with St. Croix County Zoning staff
- 04/06/04- phone conversation –P. Carpenter with Rod Eslinger (St. Croix County) – variance and special exception procedures
- 04/26/04- meeting at St. Croix County Zoning – L. Thompson, B. Sherman, E. Post (DNR), Rod Eslinger, Jon Sonnentag (St. Croix County Zoning), and P. Carpenter – discuss: ordinances, concept plan, variances, DNR position/powers/duties – DNR wouldn't give a response to reasons that the project could not be approved
- 04/30/04- phone conversation P. Carpenter with Rod Eslinger – variances and special exceptions
- 05/20/04- phone conversation P. Carpenter with Rod Eslinger – variances and special exceptions – “flagging” site in the field and application schedule
- 06/14/04- meeting P. Carpenter and Rod Eslinger – pre-application review of variance and special exception request materials, plus concept plan
- 06/15/04- variance and special exception applications submitted to St. Croix County
- 07/28/04- discussion by P. Carpenter with Pete Kling (St. Croix County Land and Water Conservation Dept. – temporarily with County Zoning, too) and Todd Rehneit (St. Croix County Highway Dept) – reviewed basic project layout – their concerns – P. Kling concerned with drainage, appearance from the river, any plantings to be native plants, (suggested we prepare a “line of sight” exhibit from the river)
- 07/28/04- J. Rusch at Town of St. Joseph Planning Commission – hearing on variances and special exceptions
- 08/03/04- submittal to WIS DOT – application form, concept plan, road connection plan
- 08/10/04- field tour of site – attended by: P.Kling, St. Croix County LWCD & Zoning; E. Post, WI DNR; J. Durkee, St Croix County Highway Dept.; 2 representatives of the Town of St. Joseph, L. Thompson, J. Rusch, and P. Carpenter – DNR believes that application for variances and special exceptions is incomplete (while on field tour – observed house under construction that is in full view of the St. Croix – DNR, County and Town were asked how that was permitted – no answer)
- 08/12/04- phone conversation P. Carpenter and P. Kling – bluffline and DNR comment that “application is incomplete”, also smaller issues
- 08/13/04- E. Post, WI DNR e-mails comments to P. Kling
- 08/19/04- P. Kling comment letter to Zoning Dept. with e-mail copy to L. Thompson
- 08/19/04- L. Thompson response to P. Kling via e-mail
- 08/20/04- E. Post e-mail to L. Thompson – application is incomplete
- 08/20/04- L. Thompson e-mail to E. Post – items needed were submitted
- 08/23/04- phone conversation P. Carpenter with D. Sherman, Wis DOT about submittal
- 08/24/04- phone conversation with P. Kling – agenda for 8/26 Board of Adjustment hearing and meeting, proposed road and access to site, no condemnation of other land for access, work with adjacent property owners to get new access
- 08/26/04- Board of Adjustment hearing/meeting – P Kling makes presentation, also heard testimony by E. Post, WI DNR; F. Buttke, adjacent landowner; L. Thompson; J. Rusch; P. Carpenter; and G. Timmermann, St. Croix County Corporation Counsel – result – tabled requests for variances and special exceptions – more detail needed on road along bluffs and access to river

08/30/04- letter from Wis DOT – no objection to relocation of road intersection on STH 35

08/31/04- P. Kling letter to L. Thompson – discusses Board of Adjustment action and lists information required

09/02/04- phone conversation P. Carpenter with P. Kling – review items listed in his 8/31/04 letter

09/10/04- letter from P. Carpenter to P. Kling – response to P.Kling 8/31 letter

09/10/04- (approximate date) letter from L. Thompson to F. Buttke – alternate access routes

09/10/04- J. Rusch letter, FAX and phone call to Xcel - proposed road and existing powerline

09/10/04- letter from Xcel approving request for road under their powerline

09/14/04- J. Rusch phone call to Xcel

09/20/04- meeting at St. Croix County L&WCD – P. Kling; A. Popenhagen, St. Joseph Township; J. Durkee, St. Croix County Highway Dept.; L. Thompson; J. Rusch P. Carpenter; (E. Post invited – did not attend) – reviewed updates to variances and special exceptions submittal

09/21/04- phone call P.Kling to P. Carpenter – follow up to 9/20 meeting – make access to river narrower

09/22/04- P. Kling letter to County Zoning – Board of Adjustment application – all issues in Kling's 08/31/04 letter have been addressed

09/23/04- letter from P. Carpenter to P. Kling – follow up to 9/10 letter from P. Carpenter to P. Kling and 9/20 meeting – request that Board of Adjustment take application “off the table” and reconsider it

09/24/04- P. Carpenter meeting with P. Kling and J. Shillcox (new Zoning Dept. staff) – turn in revised drawings and do “overview” of project for J. Shillcox

09/27/04- P. Kling e-mail to P. Carpenter – Kling has met with E. Post and J. Devlin (both WI DNR) – project will need Chapter 30 and NR 216 permits; will evaluate need for dam permits; discussed frontage on river and moorings; piers will need to be seasonal; requested information on path from end of trail to shore of river

09/29/04- letter P. Carpenter to P. Kling – response to WI DNR e-mails forwarded to Carpenter by Kling

09/30/04- landscape plan with certification submitted to P. Kling by P. Carpenter

09/30/04- Board of Adjustment hearing/meeting – WI DNR not in attendance – e-mails provided (DNR will be reviewing the County's decision) action: variances and special exceptions approved with conditions (some conditions – address L&WCD comments of 9/22, address concerns, etc, in DNR e-mails of 9/28, submit certified landscape and erosion control plans)

11/01/04- letter issues by St. Croix County Zoning – conditionally approving variances and special exceptions

11/02/04- phone conversation P/ Carpenter and J. Shillcox – platting process – need to do concept plan review? – referred to A. Blackburn of St. Croix County Zoning by J. Shillcox.

11/22/04- phone conversation P. Carpenter with J. Durkee (St. Croix County Highway Dept) discussed east end road connection and use of easement versus right-of-way due to Eckert property status in probate

11/30/04- phone conversation P. Carpenter with E. Post – timelines for regular and expedited Chapter 30 permit applications? – E. Post mentions that Chapter 30 application will be reviewed in light of NR 118, which will be “new” NR 118 that took effect on 11/01/04, not “old” NR 118 in effect when variances and special exceptions were applied for – how do we get a definite answer on “new” versus “old” NR 118 applicability? Write a letter to her.

12/01/04- E. Post phone call to P. Carpenter – she discussed NR 118 with her boss, D. Baumann – his reply “new” NR 118 applies (note “new” NR 118 has provisions that

- would prohibit the project) – she states that if our assessment of “new” NR 118 is correct, the Chapter 30 permit application will be denied
- 12/02/04- letter P. Carpenter to E. Post – does new or old NR 118 apply to this project?
 - 12/08/04- preliminary plat submitted to Town of St. Joseph
 - 12/09/04- copies of 12/02 letter to E. Post sent to P.Kling and J. Shillcox (St. Croix County)
 - 12/10/04- phone conversation P. Carpenter to D. Baumann (WI DNR) requested meeting – no agreement to meet – questioned whether “new” or “old” NR 118 applies – “new” NR 118 –asked about expedited review of Chapter 30 permit application – his response was not to bother, they are understaffed and it won’t make a difference
 - 12/14/04- wetland delineation report submitted by Graham Environmental to E. Post, WI DNR and D. Seemon, Army COE
 - 12/14/04- J. Rusch attends County Planning and Zoning Committee meeting – discussion of 20% slope disturbance on this project
 - 12/15/04- letter from St. Croix County to Town of St. Joseph – Town should use eminent domain to condemn land for alternate access route into the site
 - 12/15/04- J. Rusch and P. Carpenter attend Town of St. Joseph Planning Commission meeting – preliminary plat discussion – Town will not condemn land as requested by County – preliminary plat recommended to Town Board as acceptable with conditions
 - 12/16/04- meeting with P.Kling (St. Croix County) and J. Devlin (WI DNR) to discuss erosion control and storm water management for this project
 - 12/17/04- preliminary data/calculations that were basis of the 12/16 discussions FAXed to J. Devlin. J. Devlin calls later that day to request that I provide project information to G. Breese of WI DNR; information sent to G. Breese the same day
 - 12/22/04- e-mail from J. Rusch to Town of St. Joseph clerk – design of east end road connection to STH 35
 - 12/28/04- preliminary plat review comments by Town of St. Joseph engineer
 - 01/04/05- meeting in Sienna’s offices – L. Thompson, J. Rusch, P. Carpenter, with A. Popenhagen (Town of St. Joseph engineer) – discussion of project features, Town’s concerns and items to be addressed
 - 01/05/04- G. Breese (WI DNR) calls P. Carpenter- he had reviewed the information that I sent to him – discussed project – G. Breese states that we need to make 2 “general permit” applications – 1 permit for grading under an acre (access to river) and 1 for storm water pond; no permit required for road construction. We are to submit applications to Eau Claire office.
 - 01/06/05- e-mail from A. Popenhagen to P. Carpenter – list of Town of St. Joseph concerns with preliminary plat
 - 01/06/05- J. Rusch and P. Carpenter attend Town of St. Joseph Board meeting – preliminary plat tabled to allow us to address their concerns
 - 01/11/05- FAX to G. Breese (WI DNR) with copy of County’s 12/15 letter to Town – asking if DNR could help explain to the Town the benefit of an alternate access route, even if eminent domain is needed to acquire the land needed
 - 01/21/05- Sienna prepares a draft letter to County Zoning, at County Board Chairman’s suggestion, addressing how the County could condemn land for an alternate access to the site
 - 01/24/05- e-mails between E. Post and P. Carpenter – she has sent the project file to the Lower St. Croix Partnership Team for review
 - 01/25/05- FAXes sent to County – sketches of alternate access alignments
 - 01/26/05- D. Seemon, Army COE concurs in wetland delineation
 - 02/01/05- e-mail from A. Popenhagen, Town of St. Joseph engineer to J. Rusch – changes to preliminary plat?

02/14/05- phone call E. Post to P. Carpenter – DNR has had staff discussions – general Chapter 30 permits cannot be used, must be individual permits; we need to do endangered species and historical coordination

02/14/05- letter to Wisc. Historical Society – initiate coordination on historical/archaeological matters for this project

02/16/05- phone call P. Carpenter to A. Popenhagen (her e-mail of 02/01 had not been answered) – discussed revisions to project, revised plans to be submitted that week

02/17/05- letter Wisc. Historical Society to P. Carpenter – submittal passed to DNR staff archaeologist

02/21/05- phone call P. Carpenter to V. Dirst (WI DNR archaeologist) project discussion

02/21/05- letter V. Dirst to P. Carpenter – conduct archaeological survey of site

02/21/05- Chapter 30 permit submittal to DNR (G. Breese) – requested expedited review

02/21/05- letter P. Carpenter to Wis DOT – revised location for STH 35 intersection

02/21/05- letter P. Carpenter to A. Popenhagen, Town of St. Joseph engineer – revised preliminary plat information

02/21/05- NR 216 permit submittal to J. Devlin, WI DNR

02/22/05- preliminary plat submitted to St. Croix County and Town of St. Joseph

02/24/05- project review comments by A. Popenhagen, Town of St. Joseph engineer

02/24/05- letter from St. Croix County Zoning to J. Rusch – 20% slope disturbance approved with conditions

02/28/05- prints of plan showing revised STH 35 connection sent by P. Carpenter to Town of St. Joseph

03/01/05- Phone call from G. Breese to P. Carpenter – DNR accepts expedited request

03/03/05- L. Thompson, J. Rusch, and P. Carpenter attend Town of St. Joseph Board meeting – preliminary plat approved with conditions

03/03/05- letter A. Blackburn (St. Croix County Zoning) to J. Rusch – Technical Review Committee comments on preliminary plat

03/04/05- e-mail from J. Rusch to A. Blackburn – response to Technical review committee's comments

03/04/05- Expedited decision fee submitted (to G. Breese).

03/07/05- Letter (DNR to C.A. Richards) – within 15 days application will be checked for completeness and DNR will provide commitment time for decision.

03/08/05- "Conditions of Plat Approval" form submitted to County Zoning, as requested

03/10/05- D. Seemon (Army COE) phone call to L. Thompson project needs federal agency approvals – D. Seemon and P. Carpenter phone conversations about nature of project – no federal approvals needed except for piers in river, since project takes place above the 100 year flood elevation

03/10/05- discussion J. Rusch and T. Johnson (Chair – Town of St. Joseph) revised road connection to property to the south

03/11/05- discussion J. Rusch and A. Blackburn (County Zoning) road connection to property to the south

03/13/05- e-mail J. Rusch to T. Johnson, Town of St. Joseph – road connection to property to the south

03/14/05- meeting at Land & Water Conservation Dept. (L&WCD) attendees: P. Kling, A. Blackburn, B. Heise, B. Bezek, J. Durkee, St. Croix County; E. Post, J. Devlin, WI DNR; B. Kelly, Town of St. Joseph; P. Carpenter – discussed preliminary plat, road construction, river access trail and piers, storm water management, erosion control and project timeline

03/15/05- e-mail J. Rusch to Town of Hudson – road construction coordination (condition of Town of St. Joseph preliminary plat approval)

- 03/16/05- phone call E. Post to P. Carpenter -- discussed field walk for pier application, is writing a letter to C. A. Richards on Chapter 30 permit application. P. Carpenter suggests a meeting at DNR's Eau Claire office
- 03/16/05- letter from Army COE to L. Thompson -- no permit required -- no work in navigable waters
- 03/16/05- Letter from E. Post to C. A. Richards -- application incomplete -- more information is required.
- 03/16/05- e-mail from P. Kling to P. Carpenter -- consider mechanical lift as alternate to trail
- 03/17/05- e-mails between E. Post and P. Carpenter -- 3/16 letter on Chapter 30 permit and suggested meeting at Eau Claire
- 03/17/05- e-mail P. Carpenter to P. Kling -- lift has been considered, not favored, trail is in location of existing erosion problem and trail can stabilize the area, lift would have to be on steep slope resulting in new erosion problem, trail is approved by County, lift requires new County approval
- 03/17/05- e-mail L. Thompson to P. Kling- added discussion on why trail is favored
- 03/17/05- letter from Wis DOT to P. Carpenter -- no objection to revised STH 35 intersection location
- 03/20/05- e-mail E. Post to P. Carpenter -- Chapter 30 review will include road -- new guidance from Madison -- public roads built by private developers are not public roads
- 03/21/05- e-mail P. Carpenter to E. Post -- request copy of guidance from Madison on public roads
- 03/21/05- e-mail from E. Post to P. Carpenter -- guidance from Madison
- 03/21/05- field walk of pier and trail locations on site -- attendees: D. Seemon, Army Corps of Engineers; N. Rowse, US Fish and Wildlife; R. Ferrin, National Park Service; J. Rusch, P. Carpenter, - walked shoreline of pier location and existing coulee -- site of access trail -- comments -- use seasonal piers, may be mussels off shore, may be a wetland in the trees behind shore (out of our construction area) -- coulee may be "waters of the US"
- 03/22/05- e-mail D. Seemon to P. Carpenter -- Army COE will assert jurisdiction over coulee where trail is to be built -- permit for filling for trail will be required
- 03/23/05- letter from A. Blackburn, St. Croix County Zoning to J. Rusch -- plat will need approval from the Village of North Hudson Extraterritorial Authority
- 03/24/05- e-mail P. Carpenter to D. Seemon (Army COE) -- trail on side of coulee acceptable?
- 03/24/05- e-mail D. Seemon to P. Carpenter -- trail on side of coulee would be out of COE jurisdiction
- 03/25/05- e-mail E. Post to D. Seemon and P. Carpenter -- lift and stairway is better option than trail
- 03/25/05- e-mail R. Ferrin (National Park Service) -- lift and stairway would be better than using the ravine (coulee)
- 03/25/05- e-mail D. Seemon to E. Post -- concur with lift and stairway option -- slopes are too steep for grading
- 03/25/05- phone call from B. Bezek (St. Croix County Zoning) to P. Carpenter -- preliminary plat submittal- County won't act on submittal within 60 days -- project is in Village of North Hudson extraterritorial area, need "sign off" from Village
- 03/25/05- revised road plan and profile sheets submitted to Town of St. Joseph
- 03/28/05- meeting at DNR Eau Claire offices -- attendees E. Post, D. Baumann, G. Breese, WI DNR; L. Thompson and P. Carpenter -- Chapter 30 permit application -- timing for review (deadline by County in Board of Adjustment approval -- DNR said there is no deadline; we will ask the County) -- discussion of Chapter 30 process -- Chapter 30 permit application was for access trail to river; DNR states that Chapter 30 permit applies to entire project -- discussion of Chapter 30 and proposed road, DNR states

that the road is not a "public road" – DNR makes request "Why not just give us what we are asking for?" – discussion of materials requested by DNR – discussion of historic involvement – discussion of "new" NR 118, no decision by DNR – discussion of other items

- 03/29/05- letter P. Carpenter to E. Post – require answer to 12/02/04 letter on NR 118 question
- 03/29/05- letter P. Carpenter to B. Bezek (St. Croix County Zoning) – requests clarification of deadline date established by Board of Adjustment
- 03/30/05- letter P. Carpenter to E. Post – time commitment for decision on permit application
- 04/01/05- letter E. Post to P. Carpenter – DNR is reviewing matter of which NR 118 applies to this project, and decision on Chapter 30 permit application will be 105 days from when application is determined to be complete
- 04/06/05- E. Post e-mail to P. Carpenter – E. Post setting up a field walk of the site for federal, state, county and town officials/staff
- 04/07/05- J. Rusch and P. Carpenter at Town of St. Joseph Board meeting – revisions to preliminary plat approved
- 04/12/05- Additional Chapter 30 permit application information requested by DNR submitted to E. Post
- 04/12/05- letter from A. Blackburn (St. Croix County Zoning) to P. Carpenter – Board of Adjustment decision deadline is one year from 11/01/04
- 04/12/05- letter A. Blackburn to J. Rusch – Planning and Zoning committee tabled preliminary plat - approaching 60 day deadline and several requirements to be fulfilled (no notification to Sienna that preliminary plat was on agenda for 4/12 meeting)
- 04/15/05- memo from Village of North Hudson staff to Village planning commission – comments on preliminary plat
- 04/20/05- L. Thompson and J. Rusch attend Village of North Hudson planning commission meeting – commission recommendation to Village Board is to not exercise their jurisdiction
- 04/26/05- field walk of site as arranged by E. Post – E. Post not in attendance – attendees: D. Seemon, Army COE; D. Kunkel and J. Devlin, WI DNR; P. Kling and A. Blackburn, St. Croix County; A. Popenhagen (town engineer), three members of Town Planning Commission and one private citizen from Town of St. Joseph; B. Adams, National Park Service; P. Carpenter; - part of site walked by all, J. Devlin and P. Carpenter walk entire site – new development by Army COE, they will exercise jurisdiction over all coulees on the site (P. Carpenter impression of status of agency reviews is that they are all waiting for some other agency to act first.)
- 04/26/05- phone conversation E. Post and P. Carpenter – E. Post has spoken to DNR attorney – Chapter 30 permit needs to satisfy 30.19 & 30.27, NR 118 is source of definition of "public interest", when asked if NR 118 would apply, she referred only to 30.19 and 30.27; she was asked for that in writing
- 04/27/05- copy of pier permit application to U.S. Fish and Wildlife Service
- 04/28/05- phone call P. Carpenter to A. Blackburn, St. Croix County Zoning – request detail on requirements to be met for preliminary plat (see 04/12 letter from Blackburn)
- 04/29/05- formal application to Wis DOT for work on STH 35 and road connection
- 05/03/05- Village of North Hudson Board voted to waive review of preliminary and final plats for the project
- 05/06/05- meeting at St. Croix County offices – attendees B. Bezek, A. Blackburn, P. Kling, D. Fodroczi, St. Croix County; L. Thompson, J. Rusch, B. Sherman, P. Carpenter – discussed what needs to be done to move the preliminary plat forward – information requested/concerns held – P. Kling will take this to the Land & Water Conservation Committee in June
- 05/09/05- Archaeology report submitted to DNR (V. Dirst)

05/11/05- letter P. Carpenter to A. Blackburn summary of 5/06 meeting – what are requirements to be fulfilled?

05/11/05- letter from V. Dirst WI DNR to P. Carpenter – project will not impact archaeological remains (E. Post notified of this by V. Dirst)

05/12/05- Wis DOT issues permit for work on STH 35 and road connection

05/16/05- Army Corps of Engineers permit application submitted

05/17/05- phone call B. Bezek to P. Carpenter – preliminary plat is on Planning and Zoning Committee agenda for 6/28; letter will be sent listing requirements to be fulfilled

05/17/05- letter A. Blackburn County Zoning to P. Carpenter – preliminary plat requirements still to be fulfilled

5/19/05- copy of pier permit, as submitted to WI DNR, sent to Army COE, at their request

05/20-25/05E-mails between E. Post and P. Carpenter – result in schedule set for Chapter 30 permit application decision – 105 days from mid April – (decision by end of July).

05/21/05- meeting P. Kling (St Croix County), J. Devlin (WI DNR), and P. Carpenter to go over the latest plans submitted for the project and their comments

05/23/05- P. Kling comment letter to P. Carpenter – items to be addressed before project presented to Land and Water Conservation Committee on 6/07/05

05/25/05- E. Post e-mail to DNR staff – review comments sought – 30 day time limit.

05/26/05- phone call P. Carpenter to A. Popenhagen (St. Joseph Town engineer) discuss P. Kling comments about curb and gutter on road and storm sewer

05/27/05- Phone call from E. Post to P. Carpenter– notice, if issued, will state intend to deny – can withdraw/request/waive deadline – wants more DNR staff review time.

05/31/05- Letter to P. Kling – info/revised plan (stormwater/erosion plan) - response to P. Kling's 05/23 letter

05/31/05- letter from Army COE to P. Carpenter – additional information needed for permit application

06/01/05- phone call p. Carpenter to E. Post – further discussion of allowing DNR more review time

06/03/05- Additional COE permit info submitted

06/07/05- County Land and Water Conservation Committee meeting – recommend approving plans with conditions

06/07/05- E. Post speaks to p. Carpenter before County meeting- extended deadline can be agreed upon – needs a letter of request by applicant before June 10, 2005

06/09/05- letter P. Carpenter to A. Blackburn (County Zoning) – Land & Water Conservation Committee wants further review of access trail – lift in lieu of trail? – would lift require approval by Board of Adjustment or by Zoning Dept?

06/09/05- Letter from S. Goff (atty for C. A. Richards) to E. Post – extend decision deadline – decision no later than Sept. 15th.

06/13/05- A. Blackburn (County Zoning) phone call to P. Carpenter – lift in lieu of trail requires Board of Adjustment approval

06/14/05- Army COE publishes notice for permit application

06/15/05- letter P. Carpenter to A. Blackburn, County Zoning – response to Blackburn 5/17 letter of preliminary plat requirements to be fulfilled

06/17/05- DNR staff (K. Belling) comments to E. Post.

06/21/05- DNR Staff (P. Sorge) comments to E. Post.

06/21/05- field walk of pier and access trail locations – attendees P. Kling, Jeff ____, St. Croix County; A. Popenhagen, Town of St. Joseph engineer; R. Ferrin, National Park Service; P. Carpenter – looked at existing erosion in coulee (site of trail) – P Kling wants to see options for trail – width, parking at bottom, etc

06/26/05- DNR staff (K. Belling) comments to E. Post

06/27/05- letter A. Blackburn (County Zoning) to P. Carpenter – lift in lieu of trail would require a further special exception permit

06/27/05- County Zoning Dept staff report on preliminary plat – to Planning and Zoning Committee

06/27/05- letter P. Carpenter to P. Kling – access trail revisions

06/28/05- County Planning and Zoning Committee meeting – preliminary plat approved with conditions

06/29/05- letter A. Blackburn to J. Rusch – conditions of preliminary plat approval by Planning and Zoning Committee listed

06/29/05- letter P. Carpenter to P. Kling – access trail revisions

06/29/05- memo P. Kling to County Land and Water Conservation Committee – update of project/ revised information submitted

06/30/05- J. Rusch request to County Zoning – allow construction to start prior to final plat approval

07/05/05- Land and Water Conservation Committee approved construction of trail on project

07/07/05- D. Seemon Army COE phone conversation with P. Carpenter – National Park Service has requested 60 days to comment on COE permit

07/19/05- Zoning Dept staff report to Planning and Zoning Committee on request to allow construction to start prior to final plat approval

07/21/05- meeting P. Carpenter with A. Blackburn County Zoning staff- request for waiver and reason for our request, if waiver not approved will they accept final plat submittal?

07/21/05- meeting P. Carpenter with E. Post, WI DNR – Chapter 30 permit application – public interest – she requested changes to the project – they will issue Notice for permit application stating their intention to deny

07/25/05- phone call from A. Blackburn (St. Croix County Zoning) to P. Carpenter – Zoning staff can issue a six month extension to Board of Adjustment decision – (no request for extension had been made to the County)

07/26/05- County Planning and Zoning Committee meeting – waiver granted for final plat approval needed prior to start of road construction – granted six month extension to Board of Adjustment deadline

07/28/05- letter A. Blackburn to J. Rusch – at 7/26 meeting, Planning and Zoning Committee approved waiver with conditions

07/29/05- letter A. Blackburn to J. Rusch – Technical Review Committee rejected final plat submitted as incomplete

08/02/05 - DNR issues notice – initial determination to deny.

08/02/05- Army COE letter to P. Carpenter – COE will defer taking action on permit application – need to obtain approval of WI DNR and National Park Service

08/04/05- phone call P. Carpenter to D. Seemon – who to contact at National Park Service and asked for copy of comments received

08/04/05 - letter P. Carpenter to E. Post and D. Baumann (DNR) – meeting requested to discuss Chapter 30 permit and DNR's initial determination

08/08/05- D. Seemon Faxes comments received to P. Carpenter

08/15/05- P. Carpenter e-mail to D. Seemon – follow up questions on comments

08/16/05- D. Seemon e-mail response to P. Carpenter – need to work with WI DNR and National Park Service

08/16/05- P. Carpenter e-mail to R. Ferrin, National Park Service – questions on National Park Service comments and review authority

08/17/05- R. Ferrin, National Park Service e-mail to P. Carpenter – will respond as soon as possible

08/19/05- R. Ferrin e-mail response to P. Carpenter

08/19/05- P. Carpenter e-mail to R. Ferrin with further questions

08/19/05 - DNR staff (G. Lepak) comments to E. Post.

08/22/05- R. Ferrin e-mail to P. Carpenter – can't answer further questions at present time

08/23/05- meeting at DNR Eau Claire offices – attendees E. Post, D. Baumann, G. Breese, and E. Kavanaugh, WI DNR; L. Thompson, J. Rusch, B. McCool, and P. Carpenter – discussed - return receipt of notice mailings – DNR initial determination to deny on what basis – why do “goals” and other non statute and non regulation issues become requirements? – Chapter 30 permits and public roads – details of design and DNR staff comments – scenic beauty and public interest

08/24/05- letter P. Carpenter to E. Post – confirm items covered in 8/23 meeting – longer response letter to be submitted

08/25/05- phone conversation P. Carpenter with G. Breese WI DNR

08/29/05- R. Ferrin, National Park Service phone call to P. Carpenter with responses to 8/16 questions

08/30/05- E. Post e-mails comment letter from Harper, (neighbor), received on Notice to P. Carpenter

09/02/05- conversation P. Carpenter with G. Lepak about his comments on this project

09/06/05- letter P. Carpenter to E. Post – responses to comments by K. Belling, B. Sorge, G. Lepak and verbal comments on scenic beauty and public interest made at 8/23 meeting

09/06/05- E. Post e-mails P. Carpenter – need four more copies of 9/06 letter – DNR may not have funding for copying

09/06/05- E. Post e-mails to P. Carpenter comment letter (Sierra Club) received on Notice

09/06/05- E. Post e-mail to P. Carpenter questions whether permit can be issued since details of project are not known

09/06/05- P. Carpenter e-mail to E. Post – details will not change nature or impact of project – Chapter 30 permit application materials submitted accurately describe the project

09/07/05- P. Carpenter e-mail to D. Baumann (DNR) and G. Breese (DNR) copies of e-mails between E. Post and P. Carpenter about number of copies needed and whether permit can be issued “without all details”

09/07/05- P. Carpenter mails 4 additional copies of 9/06 letter to E. Post

09/07/05- E. Post e-mails to P. Carpenter comment letter (West Wisconsin Land Trust) received on Notice

09/08/05- E. Post e-mails to P. Carpenter comment letter (St. Croix River Assn.) received on Notice

09/08/05- E. Post e-mails to P. Carpenter comment letter (National Park Service) received on Notice

09/09/05- P. Carpenter letter to E. Post with “views” of site from the river

09/09/05- P. Carpenter mails to G. Breese copy of: 8/24, 9/06 and 9/09 letters to E. Post

09/09/05- P. Carpenter mails to R. Ferrin (National Park Service) copy of 8/24, 9/06, and 9/09 letters to E. Post

09/09/05- P. Carpenter telephone conversation with D. O'Malley (DNR) about Lower St. Croix Management Commission, (LSCMC), advised to speak with S. Humrickhouse (DNR) who is DNR representative to Commission

09/12/05- Meeting – Richards, Sienna, with state elected officials

09/12/05- P. Carpenter telephone conversation with S. Humrickhouse (DNR) requested copy of LSCMC's policy resolutions – advised to contact Minn. DNR for copy; Mr. Humrickhouse confirms that commission is not regulatory, more advisory – commission policies do not have “force of law”

09/12/05- P. Carpenter places call to Minn. DNR, leaves message, attempting to obtain copy of LSCMC policy resolution

09/13/05- Letter Sienna to E. Post – affidavit of publication of Notice plus “Return Receipts” for mail delivery of Notices (Note one Notice hand delivered, with signed account of delivery, hand delivered to E. Post.)

09/13/05- Letter P. Carpenter to E. Post – response to comments letters by: Harper, Sierra Club, West Wisconsin Land Trust, St. Croix River Assn, and National Park Service

09/13/05- E. Post letter to Richards – public hearing will be held

09/13/05- letter from Sen. Harsdorf and Rep. Rhodes to DNR Secretary Hassett on project seeking answers including NR 118 question

09/15/05- E. Post e-mail to P. Carpenter advising that the project will be discussed at the 9/22 meeting of the LSCMC Technical Committee

09/20/05- P. Carpenter receives copy of LSCMC Policy Resolution via FAX from Min DNR

09/21/05- P. Carpenter letter to E. Post and D. Baumann – requests regarding the public hearing

09/21/05- P. Carpenter telephone conversation with R. Ferrin (National Park Service) requests meeting with NPS

09/22/05- P. Carpenter and Sienna attend LSCMC Technical Committee meeting, do not make a presentation but provide comments and answers to questions

09/22/05- P. Carpenter telephone messages to D. Baumann (DNR) and G. Breese (DNR) stating that NR 118 question needs to be answered

09/26/05- P. Carpenter letter to T. Bradley (National Park Service) requesting a meeting

09/26/05- D. Bauman e-mail to P. Carpenter providing responses to 9/26 letter and stating that NR 118 question will be addressed

09/30/05- T. Bradley letter to P. Carpenter – no meeting at this time

09/30/05- P. Carpenter letter to T. Bradley again requesting meeting

10/05/05- P. Carpenter telephone conversation with D. Baumann about schedule for hearing and DNR response on NR 118 question

10/06/05- P. Carpenter telephone conversation with T. Bradley about meeting; Bradley proposes to write letter outlining National Park Service concerns

10/11/05- E. Post letter to Richards – hearing schedule with Notice to be published and mailed

10/11&12/05- e-mails between E. Post, P. Carpenter and Sienna trying to clarify addresses given by DNR for mailing of hearing Notices

10/18/05- T. Bradley letter to P. Carpenter – no meeting until DNR acts

10/18/05- DNR Secretary Hassett response letter to State Senator Harsdorf and State Rep. Rhoades regarding which NR 118 applies to project

10/21/05- e-mail P. Carpenter to E. Post – trouble delivering hearing notices to some parties using info provided by Post

10/24/05- telephone conversation P. Carpenter and G. Breese (WI DNR)

10/24/05- J. Hayducsko (WI DNR) e-mail to other DNR staff with copy to P. Carpenter, comments on project and NR 216 and NR 151

10/24/05- e-mail P. Carpenter to J. Hayducsko, with questions about her 10/24 e-mail

10/25/05- e-mails E. Post - P. Carpenter revised address info for hearing notice parties

10/25/05- hearing notice hand delivered to one address, this info to E. Post in 10/26/05 e-mail from P. Carpenter

10/25/05- telephone conversation P. Carpenter and J. Hayducsko

10/25/05- e-mail from J. Hayducsko to DNR staff, copy to P. Carpenter covering Carpenter-Hayducsko telephone conversation

10/26/05- e-mails E. Post – P. Carpenter regarding applicant’s presentation at hearing

10/27/05- telephone conversation P. Carpenter to M. Shodeen (MN DNR) asking Shodeen if Lower St. Croix Management Commission Technical Committee will issue a comment letter on the project – no such letter

10/27/05- permit public information hearing held

10/28/05- letter from P. Carpenter to E. Post requesting transcript of hearing or copy of hearing tapes

10/31/05- e-mails between P. Carpenter and J. Hayducsko regarding project

10/31/05- Sienna mails affidavit of hearing notice publication and return receipts for notice mailings to E. Post

11/01/05- e-mail from E. Post to P. Carpenter – will copy hearing tapes and provide copies to us

11/02/05- e-mail from E. Post to P. Carpenter – cannot get hearing tapes copied; we can get original tapes at DNR office in Baldwin and make copies; P Carpenter picks up tapes

11/04/05- letter from P. Carpenter to J. Hayducsko submitting additional modeling and NR 216/NR 151 information

11/04/05- letter from P. Carpenter to E. Post – summary review of all DNR comments received to date of hearing and applicant's response

11/07/05- letter from P. Carpenter to E. Post – response to verbal comments made at hearing

11/07/05- letter from S. Goff (atty. For C.A.Richards) to E. Post

11/11/05- e-mail from P. Carpenter to E. Post about returning the hearing tapes and picking up copies of written comments received by DNR after the hearing

11/15/05- telephone voice mail message left by P. Carpenter for E. Post about returning the hearing tapes and getting comments

11/15/05- e-mails between E. Post and P. Carpenter about returning hearing tapes and getting written comments

11/15/05- P. Carpenter delivers hearing tapes to E. Post at DNR office and receives written comments

11/16/05- e-mail from P. Carpenter to E. Post – one comment letter is incomplete, pages missing

11/16&17/05- e-mails between P. Carpenter and E. Post about missing comment letter pages, and policy resolution

11/18/05- letter from P. Carpenter to E. Post providing response to written comments received after hearing

11/27/05- E. Post FAXes comment letters to P. Carpenter and, via e-mails, notifies Carpenter that comments are being FAXed, asking for confirmation that comment letter FAX was received and asking about a FAX sent to DNR that was not received by DNR

11/28/05- e-mail from P. Carpenter to E. Post indicating partial FAX receipt and nature of document FAXed to DNR on 11/18/05 and asking about decision on permits; Carpenter asks Post to confirm DNR's receipt of 11/18/05 letter via USPS

11/28/05- E. Post re-FAXes comment letters to P. Carpenter and sends e-mail to Carpenter saying that FAX is being re-sent; confirms that 11/18/05 letter was received; asks that receipt of re-FAX be confirmed

11/28/05- letter from E. Post to C.A. Richards – decision on permits –denied (copy of decision FAXed by Post to P. Carpenter)

11/29/05- e-mail from P. Carpenter to E. Post confirming that re-FAX was received

11/30/05- e-mail from E. Post to P. Carpenter asking for confirmation that decision was received by FAX; Carpenter e-mails response to Post that FAX of decision was received

12/01/05- letter from P. Carpenter to E. Post requesting copy of documents mentioned in permits decision which have not been provided to applicant by the DNR

12/13/05- e-mail from E. Post to P. Carpenter - response to 12/01 letter - indicating that the DNR file is available for our review

12/16/05- letter from P. Carpenter to E. Post again requesting copy of documents listed in 12/01 letter, our review of file may not result in the correct documents being identified

- 12/19/05- e-mail from E. Post to P. Carpenter – response to 12/16 letter - we need to review the DNR file that they have made available to us
- 12/20/05- e-mail from P. Carpenter to D. Baumann (DNR) – passing on 12/16/05 letter to E. Post and her 12/19/05 e-mail response – asking if he can assist in getting the documents for us
- 12/20/05- e-mail from D. Baumann to P. Carpenter – clarifies that we have some documents and that the others will be sent to us
- 12/22/05- e-mails from E. Post to P. Carpenter – providing almost all of the documents requested
- 12/23/05- e-mail from P. Carpenter to E. Post – Rudd letter not provided
- 12/23/05- e-mails from E. Post to P. Carpenter – stating that file is available for review at their office, sending another document from Harper (with photos), and responding to P. Carpenter's 12/16/05 letter